

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Nov 30, 2016

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

DARIN W. MERCADO,

Plaintiff,

v.

STEVEN HARRIS, and ROBERT
BENEFIELD, each in their
personal capacities; MICHAEL
A. RUTH and JANE DOE
RUTH; and STEVEN M. BLY-
RIGGIN and JANE DOE BLY-
RIGGIN,

Defendants.

No. 4:14-CV-5071-SMJ

**ORDER DISMISSING
DEFENDANTS STEVEN HARRIS
AND ROBERT BENEFIELD**

On November 22, 2016 the Ninth Circuit Court of Appeals dismissed this matter, ECF No. 66. On November 17, 2016, the parties filed a stipulation for order of dismissal with prejudice and without costs, ECF No. 64. Consistent with the parties' agreement and Federal Rule of Civil Procedure 41(a),

IT IS HEREBY ORDERED:

1. The parties' stipulation for order of dismissal with prejudice and without costs, **ECF No. 64**, is **GRANTED**.

2. All claims against Defendants STEVEN HARRIS and ROBERT BENEFIELD are **DISMISSED WITH PREJUDICE**, with all parties to bear their own costs and attorneys' fees.

3. Per the parties' status report, ECF No. 63, Plaintiff shall file their Motion to Dismiss Defendants Ruth by no later than **December 9, 2016**.

4. In addition, per the parties' status report, ECF No. 63, Plaintiff shall file a Motion for an Order of Default relating to the Bly-Riggins Defendants by no later than **December 9, 2016**.

5. The Clerk's Office is directed to amend the caption to read:

DARIN W. MERCADO,

Plaintiff,

V.

MICHAEL A. RUTH and JANE DOE RUTH; and
STEVEN M. BLY-RIGGIN and JANE DOE BLY-
RIGGIN,

Defendants.

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2 **IT IS SO ORDERED.** The Clerk's Office is directed to enter this Order
3 and provide copies to all counsel.

4 **DATED** this 30th day of November 2016.

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6 SALVADOR MENDOZA, JR.
7 United States District Judge
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